

CHAPTER 739
JUNK DEALERS, PAWNBROKERS, AND SECONDHAND DEALERS

739.01 DEFINITIONS.

(a) "Junk Dealer" means any person, including owners, agents, and employees, engaged in the business of buying, selling, or dealing in old junk, metal, scrap iron, copper plumbing, automobile parts, bottles, siphons, papers, books, rags, or other similar articles and having a store, stand, place of business or junk yard.

(b) "Pawnbroker" means any person, including owners, agents, and employees, engaged in the business of lending money on deposit or pledges of personal property, other than securities, printed evidence of indebtedness, titles, deeds, or bills of sale, at a total charge, rate of interest, or discount or other remuneration in excess of eight per cent per annum, and includes a person engaged in the business of purchasing personal property from another person with an agreement that the personal property will be made available to that other person for repurchase within an agreed-to time period and for an amount greater than the price originally paid to that other person for the purchase of the personal property.

(c) "Secondhand Dealer" means any person, including owners, agents, and employees, engaged in the business of purchasing or selling goods of any kind or description, having once been used or transferred from the manufacturer to the dealer and then received into the possession of third parties, including but not limited to iron or other metal, furniture, electronics, electronic games, articles of household utensils, articles of personal use, or jewelry of any kind or description including precious stones, or old gold or silver, plumbing fixtures, secondhand building material or other goods of the class considered personal, whether related to any of the goods specifically described herein or not, but "secondhand dealer" excludes secondhand clothing stores or any person dealing exclusively in secondhand clothing.

**739.02 LICENSE REQUIRED; LICENSE APPLICATION; ISSUANCE AND FEE;
PRIOR CONVICTION; DUTY TO UPDATE.**

(a) Beginning January 1, 2009, every junk dealer, pawnbroker, and secondhand dealer engaged in the business of pawning or dealing in junk or secondhand item(s) shall first procure a license to do so from the Director of Public Safety.

(b) Every owner engaged in the business of pawning or dealing in junk or secondhand item(s) shall file an application, under oath, with the City, upon a form provided by the Department of Public Safety. Each application shall contain, at a minimum, the following:

(1) A definition of the business, including detailed information as to the type of item(s) to be solicited, sold, or collected;

(2) The location, mailing address, and each telephone number where the business is to be conducted;

(3) The name and residence address of each owner (hereinafter all provisions which refer to an owner may refer to a corporation or partnership) as follows:

A. If the owner is a corporation, the name and residence address of each officer and director of such corporation and of each stockholder owning more than ten percent of the stock of the corporation itself, if different from the address of the business; or

B. If the owner is a partnership or sole proprietorship, the name and residence address of each partner, including limited partners, and the address of the partnership itself if different from the address of the business.

(4) The two previous addresses immediately prior to the present address of the owner;

(5) Proof that the applicant is at least eighteen years of age;

(6) The owner's birth date, Social Security Number height, weight, color of eyes and hair, and sex;

(7) A copy of a form of identification, such as a state driver's license or identification card or a social security card, of the owner;

(8) One portrait photograph of the owner, two inches by two inches in size, and a complete set of the owner's fingerprints, which shall be taken by the Chief of Police or his or her agent; if the owner is a corporation, one portrait photograph, two inches by two inches in size, of each officer and managing agent of such corporation and a complete set of the same officer's and agent's fingerprints, which shall be taken by the Chief of Police or his or her agent; and if the owner is a partnership, one front-face portrait photograph, two inches by two inches in size, of each partner, including a limited partner, in such partnership, and a complete set of each partner's or limited partner's fingerprints, which shall be taken by the Chief of Police or his or her agents;

(9) The business, occupation, or employment of the owner for the three years immediately preceding the date of application;

(10) The business license history of the owner, and a statement as to whether or not such person, in previously operating in this or another city or state, has had a business license denied, revoked, suspended, or refused to be renewed, the reason therefore, and the business activity of the occupation subsequent to such action of suspension or revocation or if the owner has ever been fined by any state or federal regulatory authority or court in relation to any claim of misconduct in a business transaction;

(11) All criminal convictions of the owner other than misdemeanor traffic violations, including the date of conviction, the nature of the crime, and the place convicted;

(12) The name, address, date of birth, social security number, driver's license or state identification number, and telephone number of each agent or employee who is or will be employed in the business;

(13) Authorization for the City, its agents, and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

(14) Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application; and

(15) The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished by residents of the City, then the County, then the State and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

(c) The license herein mentioned shall be issued after the Director of Public Safety reviews the application and makes a determination as to the good character of the owner based upon the information provided in the application. Each applicant shall pay a non-refundable fee of one-hundred dollars (\$100.00) per license plus an additional ten dollars (\$10.00) for each employee named on the application, which fees shall be paid at the time the application is submitted. This license shall expire on December 31 of the year it is issued.

(d) (1) No license as herein provided shall be issued or renewed to any person who has been convicted of a felony or who has been convicted of any misdemeanor consisting of theft, receiving or possession of stolen goods or any similar misdemeanor.

(2) No licensee shall employ any person who has been convicted of a felony or who has been convicted of any misdemeanor consisting of theft, receiving or possession of stolen goods or any similar misdemeanor.

(e) The holder of a junk dealer, pawnbroker, or secondhand dealer license as herein provided shall notify the Department of Safety of each change in any of the information required to be furnished by this Section within ten (10) days after such change occurs.

739.03 MINIMUM HOLDING PERIOD.

(a) Any pawnbroker, owner, agent, or employee shall retain such item(s) until the expiration of seventy-two hours after the pledge is made and shall retain any item(s) purchased until the expiration of fifteen (15) days after the purchase is made. The pawnbroker, owner, agent, or employee may dispose of such item(s) sooner with the written permission of the Chief of Police of the City. If the Chief of Police of the City has probable cause to believe that the item(s) described in the Daily List provided for under this Chapter is stolen property, the Chief of Police shall notify the pawnbroker, owner, agent, or employee in writing and, upon receipt of such notice, the pawnbroker, owner, agent, or employee shall retain such item(s) until the expiration of thirty (30) days after the day on which the pawnbroker, owner, agent, or employee is first required to make available the information required in the Daily List provided for under this Chapter, unless the Chief of Police notifies the pawnbroker, owner, agent, or employee in writing that retention is not required until such expiration. Until the expiration of the applicable expiration period, all such property shall be retained in an unaltered condition at the local store or warehouse in the City.

(b) No pawnbroker shall employ or use in his business any receipt, ticket, contract, or other form of notice, containing a clause or textual provision purporting to create a lesser retention period than is required by this Chapter.

739.04 RESPONSIBILITY OF OWNERS FOR EMPLOYEES OR AGENTS.

The violation of any section of this Chapter, in addition to any penalty imposed under Section 739.99, by an employee(s) or agent(s) of the owner of a business regulated by this Chapter may result in immediate revocation of the license of the owner, which license shall not be renewed without special order of City Council.

739.05 REVOCATION OF LICENSE; APPEAL.

(a) In addition to any penalty imposed under Chapter 626.99 or Section 739.99, any violation of Chapter 626 or this Chapter by any junk dealer, pawnbroker, or secondhand dealer may result in revocation of the license of such offender, which license shall not be renewed without special order of the City Council.

(b) In the event a license application is not approved, or in the event any license issued pursuant to the provisions of this Chapter is revoked, written notice shall be given to the junk dealer, pawnbroker, or secondhand dealer by personal service of certified mail. The junk dealer, pawnbroker, or secondhand dealer shall have ten (10) days after the receipt of such notice to appeal such refusal or revocation. Such appeal shall be perfected by filing a notice of appeal with the Mayor, who shall notify the junk dealer, pawnbroker, or secondhand dealer of his or her decision in writing within ten (10) days after receipt of such notice of appeal.

739.99 PENALTY; CONTINUING OFFENSE.

Any person who violates any provision of this Chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.